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FILE

PATENT
Docket No. 310048-355
Avery No. 2419-US

REMARKS

In the above-mentioned Office Action, the Examiner stated that the Applicants have not specified the claims which read on the elected species in the Reply filed on October 16, 2002. This is incorrect. The Applicants stated that "all claims currently pending read on each of the elected species," on the page 4 of the Reply. [Emphasis added.]

As Applicants further stated in that Reply, the "species" designations were improper. In other words, the Applicants are not stating that the species are not patentably distinct but rather that the different categories or words identified by the Examiner do not represent distinct and independent species. As a hypothetical example, assume that independent claim 1 of a patent application includes, as an element, a vehicle, claim 2 depends from claim 1 and says that the vehicle is an automobile and claim 3 depends from claim 1 says that the vehicle is a truck. Vehicle, automobile and truck would not be species of one another. However, automobile and truck may be species of one another. Thus in this hypothetical, if the Applicants had elected vehicle, all three claims would read on that so-called species.

MPEP 806.04(h) states that the "species must be patentably distinct from each other and from [the] genus." See also MPEP 803.

In the present case, independent claim 282 includes a facestock sheet construction, dependent claim 293 says that the facestock sheet construction is a glossy card stock and dependent claim 296 says that the facestock sheet construction includes a tag sheet. The election of facestock sheet thereby is generic of glossy card stock and tag sheet, and all three claims read on the elected species.

An example of a proper species designation would be items H and J, namely, dry laminate facestock and non-dry laminate facestock. And facestock sheet would be generic to both of them.

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Similarly, the designations of L through O for the so-called printable media arrangement, are not proper species of one another. (A proper species, for example, would be a single piece card and a multiple piece card.)

Even in the Adhering Group where two species have been identified, namely, "adhesive" and "without adhesive," and adhesive has been elected, none of the pending claims reads on a "without adhesive" species.

It is thus respectfully requested that the species requirement which was repeated in the Office Action dated October 15, 2002, be withdrawn. It further is noted that this is a second restriction/election requirement in this application and that the first one issuing on April 1, 2002 has been responded to. Even further, it is noted that the Applicants have amended the claims so that there are only two independent claims, both directed to a sheet of printable media. A side-by-side comparison of pending independent claims 282 and 337 shows that they are similar. Both include a facestock sheet construction and facestock continuous through-cut lines through the facestock sheet construction.

More particularly, claim 282 includes a solid liner sheet covering at least substantially the entire back side of the facestock sheet construction. Areas of the liner sheet cover back sides of at least substantially all of the through-cut lines. Claim 337 includes a continuous liner sheet secured to the back side of the facestock sheet construction. The areas of the liner sheet cover all of the back sides of all of the through-cut lines. The areas of the liner sheet in both of these claims hold the printable media together when the sheet of printable media is fit into a printer or copier for a printing operation on the printable media. Additionally, the liner sheet and through-cut lines, according to both of these claims, allow the media to be removed from the liner sheet and separated after the printing operation into individual printed media.

Both of these claims are patentable over the prior art of record, Applicants respectfully contend.

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Additionally, as stated in Applicants' Reply, two actions on the merits have already issued, namely, on September 22, 1998 and October 9, 2001.

Applicants thus contend that all of the claims read on the elected "species." Applicants further contend that the species requirement is improper and should be withdrawn. If it is withdrawn, it is requested that no new election/restriction requirement be issued. (An earlier requirement (4/2/02) has already been received and responded to, only two independent claims are pending, and additional time and effort by the Examiner and Applicants should not be spent to issue and respond to a second requirement and to thereby further delay issuance of this application.) If the Examiner continues to contend that the election species requirement made in the Office Action dated October 15, 2002 is proper, and that all of the claims do not read on the elected species, she is respectfully requested to advise the Applicants which claims she contends read on the elected species and why.

Further, it is requested that the earlier amendment to the inventorship entity be entered and approved.

Accordingly, it is respectfully contended that the claims are all patentable and issuance of the Notice of Allowance is in order. If there are any questions, the Examiner is invited to telephone counsel to seek to resolve them.

FROM OPPENHEIMER - L. A.

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If any fees are due with this Amendment, the Commissioner is authorized to charge them to Deposit Account No. 16-2230.

Respectfully submitted,

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